

## REMARKS/ARGUMENTS

In the final Office Action mailed August 10, 2006, claims 1, 3, 5, 8, 9, 11 and 12 were rejected under 35 U.S.C. 102(e), as being anticipated by Sickmeyer et al (5,846,196).

Claims 1-9, 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sickmeyer in view of Avitall (5,702,438).

Claims 4, 5, 7 and 10 were rejected under 35 U.S.C. 103(a) as obvious over Sickmeyer or Sickmeyer in view of Avitall.

Claims 1-12 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16, claims 1-19, claims 1-21 and claims 27-32, 73, and 77 of U.S. Patent Nos. 6,714,822, 6,442,435, 6,161,047, and 6,795,737, respectively.

Claim 1 has been amended to claim “a linkage assembly for position adjustment of the extendable member in situ, the linkage assembly comprising a first pair of struts that are directly and pivotally linked to one another at a first point and a second pair of struts that are directly and pivotally linked to one another at a second point, the first point and the second point adapted to move towards each other to contract the extendable member, and away from one another to expand the extendable member.” No such linkage assembly is disclosed in either Sickmeyer or Avitall.

Concurrently filed with this Response is a Terminal Disclaimer in regard to the present application and U.S. Patent Nos. 6,714,822, 6,442,435, 6,161,047, and 6,795,737, respectively, thereby rendering moot the nonstatutory obviousness-type double patenting rejection.

**Conclusion**

In view of the foregoing, it is respectfully submitted that pending claims 1-12 are in condition for allowance. The Examiner is invited to contact the undersigned at the telephone number provided below, should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,

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Dated: November 8, 2006

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